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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. R. NEESER, et al. Confirmation No.: 6562  
Application No.: 09/779,596 Group Art Unit: 1652  
Filed: February 9, 2001 Examiner: Kathleen Kerr  
For: INCORPORATION OF EXOGENOUS Attorney Docket No.: 88265-406  
LACTIC BACTERIA INTO THE ORAL  
MICROFLORA

**NOTICE OF APPEAL FROM THE EXAMINER**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 10, 2003 of the Examiner finally rejecting claims 1, 3, 4, 6-10 and 23-29 of the above-identified application.

The item(s) checked below are appropriate:

1.  A timely response to the final rejection was filed on December 9, 2003.
2.  A fee in the amount of \$330.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
3.  Please charge the required fees to Winston & Strawn LLP Deposit Account No. 50-1814. A copy of this sheet is enclosed.

Respectfully submitted,

Date: 1/12/04

  
Rodney J. Fuller (Reg. No. 46,719)  
For: Allan A. Fanucci (Reg. No. 30,256)

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